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Vi Healthcare Finance, Inc., Medflow P.C., and Tulare Asset Management, LLC

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

In re:

SOUTHERN INYO
HEALTHCARE DISTRICT,

Debtor.

Case No. 16-10015-A-9

Chapter 9

DC NO.: KDG-5

Date: November 29, 2018
Time: 1:30 p.m.
Place: United States Bankruptcy Court
2500 Tulare Street, Fifth Floor
Department A, Courtroom 11
Fresno, California
Judge: Honorable Fredrick E. Clement

MOTION TO QUASH OR FOR PROTECTIVE ORDER REGARDING
SUBPOENA TO BAKER & HOSTETLER LLP

TO THE HONORABLE FREDRICK E. CLEMENT, UNITED STATES BANKRUPTCY
JUDGE:

The Motion to Quash or For Protective Order Regarding Subpoena to Baker & Hostetler
LLP (the "Motion") filed by HealthCare Conglomerate Associates, LLC ("HCCA") and Vi
Healthcare Finance, Inc., Medflow P.C., and Tulare Asset Management, LLC (collectively, the

1 “Benzeevi Group”), represents as follows:

2 This Motion is brought pursuant to Federal Rule of Civil Procedure 45, and also implicates
3 California Rules of Professional Conduct Rule 3-310, Local Bankruptcy Rule (“LBR”) 1001-1(c)
4 and Rule 180 of the Local Rules of Practice for the United States District Court for the Eastern
5 District of California and applicable case law.

6 The Motion seeks an order of the Court quashing a subpoena purportedly served on October
7 29, 2018 (the “Subpoena”), by debtor Southern Inyo Healthcare District (“Debtor” or “Inyo”) on
8 the law firm of Baker & Hostetler (“Baker”), former counsel for the Benzeevi Group, seeking
9 invoices for legal services performed by Baker for the Benzeevi Group from 2009 through 2017.
10 These invoices are sought by Debtor and their counsel, Foley & Lardner, for the purpose of
11 opposing the pending Motion for Disqualification. [See Bedoyan Decl., ¶ 9, filed concurrently].

12 The Motion is based on the grounds that the Subpoena is improper and must be quashed on
13 the following grounds; (1) The Subpoena itself seeking documents concerning Ms. McDow’s and
14 Mr. Farivar’s former clients is a direct adverse action representing a further violation of the
15 continuing duty of loyalty by Ashley McDow and her associate, Fahim Farivar, formerly from
16 Baker, and imputed to their firm Foley & Lardner; (2) The Subpoena seeks information protected
17 by the attorney-client privilege and client confidentiality; (3) The Subpoena seeks documents which
18 are irrelevant and unnecessary to ruling on the Motion for Disqualification, and is overbroad; and
19 (4) the Subpoena seeks documents, the production and unrestricted use of which will potentially be
20 prejudicial to HCCA’s and Vi’s interests as creditors and as defendants in the adversary action in
21 this proceeding.

22 The Motion will be based on this Motion, the Notice of Hearing, the Memorandum of Points
23 and Authorities in support of the Motion, the Declaration of Hagop T. Bedoyan, and the Exhibits
24 in Support of the Declaration of Hagop T. Bedoyan, as well as any other documentary or oral
25 evidence presented in reply or at the hearing on the Motion.

26 WHEREFORE, the Benzeevi Group moves the Court for an order:

- 27 1. Granting the *Motion to Quash or For Protective Order Regarding Subpoena to Baker*
28 *& Hostetler LLP*, and

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2. Granting such other and further relief as is just and proper.

Dated: November 6, 2018

KLEIN, DENATALE, GOLDNER, COOPER,
ROSENLIB & KIMBALL LLP



By: /s/ Hagop T. Bedoyan
HAGOP T. BEDOYAN,
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Medflow P.C., and Tulare Asset Management,
LLC